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March 22, 2000

Docket Clerk

Attn: Docket No. OST-99-6578 ~ 53

US Dept. of Transportation

400 7th Street SW

Room PL-401

Washington, DC 20590

I am writing as a concerned employer who is mandated under US **Dept** of Transportation regulations (**49 CFR Part 40**) to Drug and Alcohol Test my employees in a **safety** sensitive position. Specifically, I am concerned about the proposed changes that would restrict our ability to use consortia and third Party administrators to perform drug and alcohol testing result reporting.

Employers such as myself depend upon the value-added regulatory compliance services provided to us by consortia and third Party Administrators. For us, these services are analogous, for example, to the payroll services providers that we use. Consortia and third party administrators assist the business community and maintain the public safety by implementing compliant drug screening programs, administering the entire screening process, reporting results, maintaining records, guiding the employers through the employee sanctioning process, and assisting the employer in seeking substance abuse treatment for employees. Without this assistance, we would find it very **difficult** and prohibitively expensive, to implement a compliant drug and alcohol testing program for our employees, much less knowledgeability of the additional steps required if one of our employees tested positive. You may find that some employers would stop being in compliance because of this **difficulty**.

I am requesting that the US **Dept** of Transportation, as it rewrites **49 CFR Part 40**, to clearly define the critical role played by consortia and third party administrators, and continue to allow them to act as the "agent of the employer". This can be accomplished, I believe, in one of the following ways: allow consortia and third party administrators to continue acting as the agent of the employer, for those business entities with **50** or fewer employees, or, allow consortia and third party administrators to continue acting as the agent of the employer for all business entities. As agent of the employers the consortia and the third party administrators would be allowed to receive results directly **from** the **MRO**.

Thank you for your consideration of this report.

Sincerely,

Carl Rasmussen